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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/533,342 | 03/23/2000 | Colin D. Nayler | E0871 | 9949 |

7590 12/05/2003

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EXAMINER

KUMAR, PANKAJ

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2631

DATE MAILED: 12/05/2003

[Handwritten number 7]

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/533,342

Applicant(s)

NAYLER, COLIN D.

Examiner

Pankaj Kumar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Gotou.
4. As per claim 21, Kim in view of Gotou teach a network receiver configured for receiving a modulated carrier signal from another network transceiver via a network medium, the network receiver comprising:
 - a) an input amplifier for amplifying a received modulated carrier signal according to one of a plurality of amplifier gain settings and outputting an amplified carrier signal (Kim fig. 1: inherent for tuner 102 to also be an amplifier especially when it is being controlled through a gain control circuit);
 - b) a first gain control circuit for providing a first amplifier gain setting based on a carrier signal modulated in accordance with a first modulation method (Kim fig. 3: 214);

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- c) a second gain control circuit for providing a second amplifier gain setting based on a carrier signal modulated in accordance with a second modulation method (Kim fig. 3: 225);
- d) a selection circuit for analyzing the carrier signal and automatically identifying whether the carrier signal is modulated in accordance with the first modulation method or the second modulation method (Kim fig. 3: 230), and for providing a gain control signal to the input amplifier ~~in accordance therewith~~ (Kim fig. 3: “AGC signal to tuner”) to amplify the carrier signal with either the first amplifier gain setting (Kim fig. 3: 214) or the second amplifier gain setting (Kim fig. 3: 225)

What Kim does not teach is to amplify based on the modulation method identified by the selection circuit.

What Gotou teaches is to amplify based on the modulation method identified by the selection circuit (Gotou figs. 1, 2: The gain controller 111 adjusts amplifier 100. This adjustment is selected based on the modulation bps input into 110).

It would have been obvious to one skilled in the art at the time of the invention to modify Kim with the teachings of Gotou.

One would be motivated to do so for the reasons taught in Gotou in columns 1 and 2 including the fact that gain needs to be adjusted based on the bps of the modulated signal.

5. As per claim 22, Kim in view of Gotou teaches the network receiver of claim 21, wherein the selection circuit includes envelop detection circuitry for detecting the duration of a power pulse in the envelope signal (Kim: signal duration is inherently detected based on its power when

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the signal is output – the duration is from the time the signal started to be over a particular power threshold to the time it stopped being over a particular power threshold).

Allowable Subject Matter

6. Claims 1-20 are allowed.
7. Claims 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:
The art of record does not suggest the respective claim combinations together and nor would the respective claim combinations be obvious with:
 - a. As per claims 1-20: both gain control circuits working from only one envelope signal which is developed from only one amplifier.
 - b. As per claims 23-24: the selection circuit provides a gain control signal coupling the first amplifier gain setting to the input amplifier if the duration of a power pulse is less than a duration on the order of a duration of a pulse position modulation power pulse

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

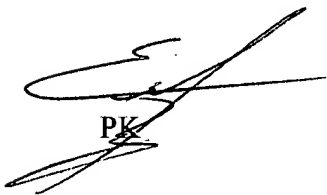
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Mon, Tues, Wed and Thurs after 8AM to after 6:30PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



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